

ANTON PURISIMA

CARE-OFF: 39 ERIE STREET,
JERSEY CITY, N.J. 07302;

CARE-OFF: 390 NINTH AVENUE,
NEW YORK, NY 10001.

E-MAIL: ACPURISIMA@HOTMAIL.COM

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2019 AUG -8 P 3:24

AUGUST 05, 2019

HONORABLE WILLIAM T. WALSH
CLERK OF COURT

U.S. DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY
50 WALNUT STREET,
NEWARK, NEW JERSEY 07102

RE: Case # 19-2358 (U.S. Court of Appeals, for the Third Circuit)
U.S. DISTRICT COURT CASE # 17-CV-5312 - NLH - AMD
(Anton Purisima V. New Jersey Transit Police Department, et. al.);
U.S. DISTRICT COURT CASE # 18-CV-14903 - CCC-MF
Case # 19-2341 (U.S. Court of Appeals, for the Third Circuit)
(Anton Purisima V. New Jersey Transit Corporation, et. al.);
U.S. DISTRICT COURT CASE # 18-CV-12034 - CCC-MF
Case # 19-2342 (U.S. Court of Appeals, for the Third Circuit)
(Anton Purisima V. New Jersey Transit, et. al.)

* MOTION TO STRIKE pursuant to RULE 12 (f) OF THE
FED. R. CIV. P.

* DUE TO PENDING APPEAL BEFORE THE THIRD CIRCUIT
FOR THESE ALLEGED THREE (3) ("N-J TRANSIT") CASES
THEREFORE DEFENDANTS' MOTION IS MOOT
THAT MUST BE STRICKEN;

* ATTACHED EXHIBIT TO SUPPORT THEREOF.

* This letter is a Care-off Request to the Clerk of Court,
for filing please.

THANK YOU, YOUR HONOR.

RESPECTFULLY SUBMITTED,
Anton Purisima

ANTON PURISIMA, PLAINTIFF pro se
C/O: 39 ERIE ST., JERSEY CITY N.J. 07302
C/O: 390 9TH AVE., NY, NY 10001.
E-MAIL: ACPURISIMA@HOTMAIL.COM

EXHIBIT "ONE"

* Copy of : ORDER
Case # MISC. NO.: 18-mc-232 (FLW)
(IN RE: NEW JERSEY TRANSIT
LITIGATION)

Dated: July 12, 2019
* Ordered that the stay shall be lifted in all the actions listed
in the Appendix.
BY: Honorable Freda L. Wolfson
U.S. Chief District Judge

* Attached herewith FOUR (4) pages, to support thereof.

ACF

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: NEW JERSEY TRANSIT
LITIGATION

Misc. No.: 18-mc-232(FLW)

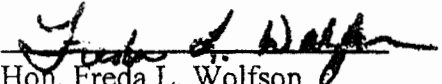
ORDER

THIS MATTER having been opened to the Court by way of a Letter sent by Mr. Robert E. Myers, Esq., counsel for certain plaintiffs in cases against New Jersey Transit Corporation (“NJ Transit”), requesting that the Court lift the stay imposed on all actions in this district (*see* attached “Appendix”) against NJ Transit, which stay was issued pending two decisions from the Third Circuit regarding NJ Transit’s entitlement to Eleventh Amendment immunity, *see Flakker v. NJ Transit*, No. 18-2572 and *Robinson v. NJ Transit*, No. 17-3397; it appearing that since the issuance of the stay, the State of New Jersey has passed a statute entitled “New Jersey Transit Corporation Employee Protection Act,” which waives NJ Transit’s jurisdictional and/or sovereign immunity as it relates to the Federal Employers’ Liability Act and the Federal Railroad Safety Act; it appearing that because these stayed-actions have brought suit under these two relevant federal statutes, NJ Transit can no longer assert Eleventh Amendment immunity, and as such, it is unnecessary to await the Third Circuit’s decisions regarding the immunity issue; it appears that an application has been made to the Third Circuit for the dismissal of those pending appeals as moot; accordingly,

IT IS on this 12th day of July, 2019,

ORDERED that the stay shall be lifted in all the actions listed in the Appendix, and they shall be reinstated to the active docket of the district judges to which the cases are originally assigned;

ORDERED that the Clerk of the Court shall file this Order on the dockets for all of the cases listed in the Appendix.


Hon. Freda L. Wolfson
U.S. Chief District Judge

APPENDIX

Cases Assigned to the Camden Vicinage

17-407 (JHR)	Dallis v. NJ Transit Corporation, <i>et al.</i>
17-3783 (RBK)	Burnett v. National Railroad Passenger Corporation, <i>et al.</i>
17-5312 (NLH)	Purisima v. NJ Transit Police Department, <i>et al.</i>
18-11166 (JBS)	Rodriguez v. State of New Jersey, <i>et al.</i> ,
18-11888 (RBK)	Haber v. New Jersey Transit, <i>et al.</i>

Cases Assigned to the Trenton Vicinage

14-2119 (BRM)	Linton v. New Jersey Transit Rail Operations, Inc.
17-5513 (PGS)	Bentivegna v. New Jersey Transit Rail Operations, Inc.
18-9203 (FLW)	Pedlow, <i>et al.</i> v. City of New Brunswick, <i>et al.</i>

Cases Assigned to the Newark Vicinage

12-6698 (KM)	Moncrease v. New Jersey Transit Rail Operations, Inc.
13-1544 (JLL)	Robinson, <i>et al.</i> v. New Jersey Transit Rail Operations, Inc., <i>et al.</i>
14-5706 (ES)	Tramontano, <i>et al.</i> v. New Jersey Transit Rail Operations, Inc.
14-6877 (JMV)	Chehade v. New Jersey Transit Rail Operations, Inc.
15-2957 (WHW)	Milbauer v. New Jersey Transit Rail Operations, Inc.
15-5350 (MCA)	D'Angiolillo v. New Jersey Transit Rail Operations, Inc.
16-596 (JMV)	Guererra v. New Jersey Transit Rail Operations, Inc.
16-615 (ES)	Mayers v. New Jersey Transit Rail Operations, Inc.
16-1820 (MCA)	Culkin v. New Jersey Transit Rail Operations, Inc.
16-2088 (JLL)	Galley v. NJ Transit Rail Operations, Inc.
16-3373 (SCM)	Maher v. New Jersey Transit Rail Operations, Inc.
16-4218 (JMV)	Moncrease v. New Jersey Transit Railroad Operations, Inc.
16-5308 (SDW)	Rivera v. New Jersey Transit, <i>et al.</i>
16-7257 (CCC)	Jimenez v. New Jersey Transit Rail Operations, Inc.
16-8882 (JMV)	Nurge v. New Jersey Transit Rail Operations, Inc.

16-8947 (CCC)	Dukes v. New Jersey Transit, <i>et al.</i>
17-934 (JMV)	Behling v. New Jersey Transit Rail Operations, Inc.
17-1407 (ES)	Williams v. New Jersey Transit Rail Operations, <i>et al.</i>
17-2830 (SDW)	Apadula v. New Jersey Transit Rail Operations, Inc.
17-3307 (WHW)	DeMusso v. New Jersey Transit Rail Operations, Inc.
17-4264 (ES)	Gooding v. New Jersey Transit Rail Operations, Inc.
17-4609 (CCC)	Holmes v. New Jersey Transit Rail Operations, Inc.
17-5250 (KM)	Campbell v. New Jersey Transit Rail Operations, Inc.
17-5383 (ES)	Byers v. New Jersey Transit Rail Operations, Inc.
17-5566 (ES)	Albanese v. New Jersey Transit Rail Operations, Inc.
17-6565 (SDW)	Leonard v. New Jersey Transit Rail Operations, Inc.
17-7181 (KM)	Joy v. New Jersey Transit Rail Operations, Inc.
17-7184 (SDW)	Genovese v. New Jersey Transit Rail Operations, Inc.
17-7698 (KSH)	McDonnell v. New Jersey Transit Rail Operations
18-2430 (MCA)	Melendez v. NJ Transit Rail Operations, Inc.
18-2834 (KM)	Nanney v. NJ Transit Rail Operations, Inc.
18-3818 (WJM)	Foti v. New Jersey Transit Rail Operations, Inc.
18-4114(JLL)	Vares v. New Jersey Transit Rail Operations, Inc.
18-7939 (KSH)	Powers v. NJ Transit Rail Operations, Inc.
18-8720 (ES)	Bonelli v New Jersey Transit Rail Operations, Inc., <i>et al.</i>
18-9596 (CCC)	Soto v. New Jersey Transit Rail Operations, Inc.
18-11428 (CCC)	DeFeo, <i>et al.</i> v. County of Middlesex, <i>et al.</i>
18-11571 (CCC)	Moncrease v. New Jersey Transit Railroad Operations, Inc.
18-11652 (WJM)	McGinnis v. New Jersey Transit Railroad Operations, Inc.
18-12002 (JMV)	Chaparro v. New Jersey Transit Rail Operations, Inc.
18-14903 (CCC)	Purissima v. New Jersey Transit Corporation, <i>et al.</i>
18-16835 (MCA)	Coleman v. New Jersey Transit, <i>et al.</i>
18-16974 (JMV)	Tyler-Lemon v. New Jersey Transit Corporation, <i>et al.</i>

EXHIBIT "TWO"

- * Copy of : SENATE, NO. 3164
STATE OF NEW JERSEY
218 TH. LEGISLATURE
(The "new jersey Transit Corporation Employee
Protection Act")
- * Introduced november 26, 2018
- * Sponsorship Updated As of : 6/21/2019
- * FIVE(5) pages, attached herewith and To
Support thereof.

ACP

[First Reprint]

SENATE, No. 3164

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:

Senator **LINDA R. GREENSTEIN**

District 14 (Mercer and Middlesex)

Senator **PATRICK J. DIEGNAN, JR.**

District 18 (Middlesex)

Assemblyman **DANIEL R. BENSON**

District 14 (Mercer and Middlesex)

Assemblywoman **YVONNE LOPEZ**

District 19 (Middlesex)

Assemblywoman **CAROL A. MURPHY**

District 7 (Burlington)

Co-Sponsored by:

Senator Oroho, Assemblywoman Jones, Assemblymen Giblin, Space, Wirths, A.M.Bucco, Assemblywoman B.DeCroce, Assemblymen Karabinchak and Verrelli

SYNOPSIS

"New Jersey Transit Corporation Employee Protection Act"; prohibits NJT from asserting sovereign immunity in certain situations and subjects NJT to certain federal statutes and regulations.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on June 3, 2019, with amendments.



(Sponsorship Updated As Of: 6/21/2019)

S3164 [1R] GREENSTEIN, DIEGNAN

2

1 AN ACT concerning protections for New Jersey Transit employees
2 and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 '1. This act shall be known and may be cited as the "New Jersey
8 Transit Corporation Employee Protection Act."¹

9
10 '[1.] 2.' The New Jersey Transit Corporation, the New Jersey
11 Transit Rail Operations, Inc., and any of their successors and
12 assigns who operate, manage, or develop the railroad system in this
13 State '[.]' shall '[waive] not assert' any defense of jurisdictional or
14 substantive sovereign immunity 'with respect to any claim or cause
15 of action' arising '[Out of any state or federal claim or cause of
16 action against it or its successors and assigns. In addition, New
17 Jersey Transit Rail Operations, Inc., and any of its successors and
18 assigns who operate, manage or develop the railroad system in this
19 State, shall be subject to the provisions of all federal railroad laws,
20 including] under the "Federal Employers' Liability Act" (45 U.S.C.
21 s.51 et seq.),' the "Railway Labor Act" (45 U.S.C. s.151 et seq.),
22 '[the "Federal Employers Liability Act" (45 U.S.C. s.51 et seq.),]'
23 the "Railroad Retirement Act of '[1937] 1974'" (45 U.S.C. s.231 et
24 seq.), the "Railroad Retirement Tax Act" (26 U.S.C. s.3201 et seq.),
25 the "Railroad Unemployment Insurance Act" (45 U.S.C. s.351 et
26 seq.), the '[Federal railroad safety laws] "Federal Railroad Safety
27 Act"' (49 U.S.C. s.20101 et seq.), '[whistleblower laws,
28 discrimination laws, and the "Interstate Commerce Act" (49 U.S.C.
29 s.10501 et seq.). Such waiver shall be retroactive to any lawsuit
30 currently pending in any state or federal court in New Jersey] and
31 49 C.F.R. parts 200-272, asserted against any of those entities in State
32 or federal court and, if such defense is found to be available, the
33 defense shall be waived'.

34 'The New Jersey Transit Corporation, the New Jersey Transit Rail
35 Operations, Inc., and any of their successors and assigns who operate,
36 manage, or develop the railroad system in this State shall be subject to
37 the provisions of the "Federal Employers' Liability Act" (45 U.S.C.
38 s.51 et seq.), the "Railway Labor Act" (45 U.S.C. s.151 et seq.), the
39 "Railroad Retirement Act of 1974" (45 U.S.C. s.231 et seq.), the
40 "Railroad Retirement Tax Act" (26 U.S.C. s.3201 et seq.), the
41 "Railroad Unemployment Insurance Act" (45 U.S.C. s.351 et seq.), the
42 "Federal Railroad Safety Act" (49 U.S.C. s.20101 et seq.), and 49
43 C.F.R. parts 200-272.'

44 '[2.] 3.' This act shall take effect immediately 'and shall apply
45 to any cause of action arising under any of the laws provided in section
46 2 of this act asserted in a lawsuit filed on or after the effective date of

S3164 [1R] GREENSTEIN, DIEGNAN

3

1 this act, as well as to any applicable cause of action arising under any
2 of those laws asserted in a lawsuit previously filed in any State or
3 federal court that has not been dismissed with prejudice or been finally
4 adjudicated, including any cases pending in any court of appeals as of
5 the effective date of this act¹.

New Jersey State Legislature

[home](#)[site map](#)[what's new](#)[faq](#)[links](#)[help](#)[contact us](#)**GENERAL INFO**

Our Legislature
Legislative Process
Historical Info
Public Info Assistance
State House Tours

MEMBERS

Find your Legislator
Legislative Leadership
Legislative Roster
Seating Charts

DISTRICTS

Districts by Number
District Map
Municipalities Index

BILLS

Bills 2018-2019
Prior Sessions
Bills Subscription
Service

COMMITTEES

Senate Committees
- Committee Aides
Assembly Committees
- Committee Aides
Joint Committees
Committee Groups
Legislative
Commissions
Senate Nominations

LAWS and CONSTITUTION

Statutes
Chapter Laws
Constitution

RULES

Senate
General Assembly

ETHICS

Conflicts of Interest
Law
Code Of Ethics
Financial Disclosure
Termination or
Assumption of
Public Employment
Form
Formal Advisory
Opinions
Contract Awards
Joint Rule 19
Ethics Tutorial

CONTINUING LEGAL EDUCATION for LEGISLATIVE ATTORNEYS

CLE Registration
Form
Certification for
CLE Ethics Credit
CLE Presentation
Schedule

LEGISLATIVE PUBLICATIONS

Legislative Calendar
Legislative Digest
Legislative LDOA
Budget and Finance
Audit Reports
Legislative Reports
Public Hearing
Transcripts

Glossary

Summary of

Bills 2018-2019

**A4689 AcaAa (2R) "New Jersey Transit Corporation Employee Protection Act"; prohibits NJT from asserting sovereign immunity in certain situations and subjects NJT to certain federal statutes and regulations.*
Substituted by another Bill**

Identical Bill Number: S3164 (1R)

Benson, Daniel R. as Primary Sponsor
Lopez, Yvonne as Primary Sponsor
Murphy, Carol A. as Primary Sponsor
Jones, Patricia Egan as Co-Sponsor
Giblin, Thomas P. as Co-Sponsor
Space, Parker as Co-Sponsor
Wirhs, Harold J. as Co-Sponsor
Bucco, Anthony M. as Co-Sponsor
DeCroce, BettyLou as Co-Sponsor
Karabinchak, Robert J. as Co-Sponsor
Verrelli, Anthony S. as Co-Sponsor

10/29/2018 Introduced, Referred to Assembly Labor Committee
5/16/2019 Reported out of Assembly Comm. with Amendments, 2nd Reading
6/10/2019 Assembly Floor Amendment Passed (Johnson)
6/20/2019 Substituted by S3164 (1R)

Introduced - - 2 pages [PDF Format](#) [HTML Format](#)
Statement - ALA 5/16/19 - 2 pages [PDF Format](#) [HTML Format](#)
Floor Statement - Assembly 6/10/19 1R - 1 pages [PDF Format](#) [HTML Format](#)
Reprint - - 3 pages [PDF Format](#) [HTML Format](#)
Reprint - - 3 pages [PDF Format](#) [HTML Format](#)

Committee Voting:

ALA 5/16/2019 - r/Aca - Yes {9} No {0} Not Voting {0} Abstains {0} - [Roll Call](#)

[home](#) | [back](#) to NJ State Legislature Bill Search

[Summary of
Enactments](#)

[Disclaimer/
Privacy Policy](#)



OPRA | Open
Public Records
Act

[Submit an OPRA request](#)

[Document Formats Used on this Site](#) • [email for Legislative Info](#) • [email Webmaster](#)
©2018 New Jersey Office of Legislative Services

EXHIBIT "THREE"

* Copy of: Case # 19-2358
U.S. Court of Appeals, FOR THE THIRD CIRCUIT
District Court Case # 17-CV-5312-NLH-AMD
(Anton Puissema V. New Jersey Transit Police Department, et. al.)
Case # 19-2341 (U.S. Court of Appeals, 3rd Circuit)
District Court Case # 18-CV-14903-CCC-MF
(Anton Puissema V. New Jersey Transit Corporation, et. al.);
Case # 19-2342 (U.S. Court of Appeals, 3rd Circuit)
District Court Case # 18-CV-12034-CCC-MF
(Anton Puissema V. New Jersey Transit, et. al.)

* Copy of: NOTICE OF APPEAL TO THE
U.S. Court of Appeals for the
Third Circuit

* Filed on: JUNE 03, 2019 (for THREE (3) ABOVE CASES)
AS WELL AS Dated on: June 03, 2019

* Attached herewith ONE (1) page for Three above cases,
To support thereof.

ACP

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Full Caption in District Court:

ANTON PURISIMA

(Plaintiff)

Docket No.: **18-CV-14903-CCC-MF**
18-CV-12034-CCC-MF
17-CV-5312-NLH-AMD

Judge:

NEW JERSEY TRANSIT CORPORATION, et al.;
NEW JERSEY TRANSIT, et al.;
NEW JERSEY TRANSIT POLICE DEPARTMENT, et al.;
(AND "OTHER RELATED CASES" THAT SPART THEREOF)

Notice of Appeal to the
U.S. Court of Appeals for the
Third Circuit

Notice is hereby given that **ANTON PURISIMA**

(Named Party)

appeals to the United States Court of Appeals for the Third Circuit from

☒ Judgment, [] Order, [] Other

**THAT NJ TRANSIT IS NOT ENTITLED TO CLAIM
THE PROTECTIONS OF ELEVENTH AMENDMENT IMMUNITY**

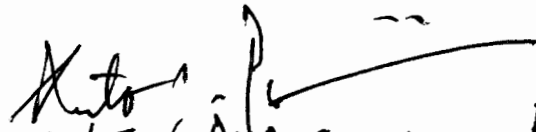
(Specify)

of the United States District Court, District of New Jersey, entered in this action on

***RE: MISC. NO. 18-mc-232 (JLL) DOCUMENT 3, FILED: 03/18/2019**

(Date)

Dated: **JUNE 03, 2019**



**ANTON PURISIMA, PLAINTIFF-
APPELLANT**

Appellant

C/O: **390 NINTA AVE., NEW YORK, NY 10001;**

C/O: **39 ERIE STREET, JERSEY CITY,**

Street

NEW JERSEY 07302

City, State, Zip

E-MAIL: ACPURISIMA@HOTMAIL.COM

Telephone

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2019 JUN -3 P 2:55

ACP

S 22 W

39 ERIE STREET,
JERSEY CITY, NJ 07302;
390 NINTH AVENUE,
NEW YORK, NY 10001.

U.S. POSTAGE PAID
FCM LG ENV
PHILADELPHIA, PA
19104
AUG 05, 19
AMOUNT
\$1.30
R2305H131081-16



07102



1000

HONORABLE WILLIAM T. WALSH
CLERK OF COURT
U.S. DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY
50 WALNUT STREET,
NEWARK, NEW JERSEY 07102

X-RAYED